

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES DAVIS]
Plaintiff,]
]]
v.] No. 3:11-0262
] Judge Trauger
DAVIDSON COUNTY SHERIFF'S]
OFFICE, et al.]
Defendants.]

O R D E R

The plaintiff is an inmate at the Davidson County Criminal Justice Center in Nashville. On March 22, 2011, an order (Docket Entry No.4) was entered granting him thirty days in which to either pay the filing fee in full or submit a certified six month statement from the custodian of his inmate trust account. 28 U.S.C. § 1915(a)(2). The plaintiff was forewarned that, in the event he failed to comply with these instructions within the specified period of time, his application to proceed in forma pauperis (Docket Entry No.2) would be denied, the filing fee of three hundred fifty dollars (\$350) would be assessed against him and collected from his inmate trust account, and this action would be dismissed for want of prosecution.

The thirty day period has expired and the plaintiff has not yet complied with the instructions of the Court. Accordingly, the plaintiff's application to proceed in forma pauperis is DENIED. The

plaintiff is herewith ASSESSED the civil filing fee of \$350.00. Pursuant to 28 U.S.C. § 1915(b) (1) (A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust account; or

(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly income (or income credited to the plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid to the Clerk of Court. 28 U.S.C. § 1915(b) (2).¹

This action is hereby DISMISSED for failure to comply with the instructions of the Court and for want of prosecution. McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997). The Clerk is directed to send a copy of this order to the Sheriff of Davidson County to insure that the custodian of plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

¹ The plaintiff did submit a Deposit Receipt (Docket Entry No.8) showing the balance in his inmate trust account as of March 8, 2011. The Receipt, however, is not sufficient to satisfy the statutory requirement of a certified six month statement from the custodian of his inmate trust account.

Entry of this order shall constitute the final judgment in
this case.

It is so ORDERED.



Aleta A. Trauger
United States District Judge